

WALLENTIN  
Serial No. 09/852,915

Atty Dkt: 2380-336  
Art Unit: 2681

### **REMARKS/ARGUMENTS**

Reconsideration of the captioned application is respectfully requested.

#### **A. PATENTABILITY OF THE CLAIMS**

Claims 2-9, 12, 13, 16, 17 21-28, 31-33, 35, 36, 40-47, 50, 51, 54, 55 and 58-64 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Publication No. 2001/0034228 to Lehtovirta et al in view of U.S. Patent 6,532,227 to Leppisaari et al. Claims 1-4, 8-11, 13-16, 17-20, 24-27, 29-32, 33-36, 40-43 and 45-48 stand rejected under 35 USC §102(e) as being anticipated by U.S. Publication 2002/0049062 to Petersen. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claims 2, 21, 40, and 58 involve ascertaining a failure of the radio network control node; and, upon such failure, preparing an omnibus release message with a first selected parameter thereof having a predetermined value to indicate that all connections controlled by the radio network control (RNC) node are to be released.

Contrary to the intimations of the office action, U.S. Publication No. 2001/0034228 to Lehtovirta et al does not anticipate independent claims 2, 21, 40, and 58. The RESET message of Lehtovirta referenced in the office action does not reflect failure of a radio network control node, but rather of a PSCN node (which is outside of the radio access network and is instead in a core network. *See, e.g.,* paragraph [0012] of U.S. Publication No. 2001/0034228 to Lehtovirta et al.). Moreover, even if the RNC node of Lehtovirta were to be construed as relaying the RELEASE message, note that not all connections of the radio network control node are released. In this regard, note that the RAB between UE1 and the CSCN remains intact (paragraph [0012]). Therefore, U.S. Publication No. 2001/0034228 to Lehtovirta et al does not provide a basis for denying

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patentability to Applicant's independent claims 2, 21, 40, and 58 (or any claim dependent thereon).

Independent claims 7, 26, 45, and 62 were rewritten as independent claims after the indication of allowability thereof in the June 24, 2004 office action. The February 7, 2005 office action rejects all four of these independent claims essentially without comment. Applicant notes that the office action admits that U.S. Publication No. 2001/0034228 to Lehtovirta et al does not teach the "first selected parameter having a predetermined value", and instead turns to U.S. Patent 6,532,227 to Leppisaari et al. for an alleged combination. Yet Applicant sees nothing in the cited portion of U.S. Patent 6,532,227 to Leppisaari et al. (e.g., col. 5, lines 4 – 45) which teaches or suggests the claimed S-RNTI information element as having a predetermined value to indicate omnibus release. Therefore, it is respectfully requested that claims 7, 26, 45, and 62 be allowed (as well as claims dependent thereon), not only for lack of basis in the present rejection, but also for consistency with the previous office action and the current indication of allowability of dependent claims such as claims 14 and 52, for example.

Similarly, independent claims 16, 35, and 63 were rewritten as independent claims after the indication of allowability thereof in the June 24, 2004 office action. The February 7, 2005 office action rejects all three of these independent claims essentially without comment. Nor does Applicant find any ostensible basis for support of such rejection in either applied reference. It is respectfully requested that the prior art rejection of independent claims 16, 35, and 63 and claims dependent thereon be withdrawn.

#### B. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

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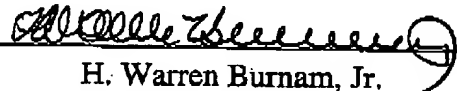
The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: \_\_\_\_\_

  
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